

## REMARKS/ARGUMENTS

The Examiner is thanked for the Official Action dated September 8, 2004. This request for reconsideration is intended to be fully responsive thereto. Applicant has further filed a notice of appeal concurrently herewith.

Claim 1 was rejected under 35 U.S.C. 102(b) as being anticipated by Bopp (USPN 4,608,883). This rejection is without merit.

Contrary to the Examiner's assertion Bopp fails to disclose the turbine wheel fixed to the hub. Rather Bopp specifically discloses the hub assembly fixed to a clutch and thus the Hub assembly 74 is clutchable in relation to the turbine 32. (Column 7, lines 12-15.) Thus Bopp teaches directly away from a fixed connection as the clutch is specifically provided to selectively separate the turbine from the hub. The present invention recited that the turbine wheel is fixed to the hub. The plain and ordinary meaning of the word fixed is: "securely placed or fastened: Stationary." Webster's Ninth New Collegiate Dictionary, (Merriam Webster 1985). Thus Bopp clearly fails to anticipate claim 1 on this issue alone. Furthermore the clutchable interface teaches directly away from such a fixed relationship and as such is not an obvious variant.

Bopp further fails to disclose any friction means let alone such a friction means acting between the face of the piston opposite the second surface and a radial plate of the hub in facing relationship. What the Examiner has identified as friction means (94,96) is nothing more than a seal to prevent leakage into and out of chamber 70. As such Bopp fails to anticipate or render obvious claim 1.

Lastly, contrary to the Examiner's assertions, Bopp fails to disclose a piston means mounted to rotate relative to the hub. Thus because Bopp fails to disclose a turbine wheel fixed to the hub (Bopp discloses a clutchable interface), fails to disclose any friction means (Bopp discloses nothing more than a seal) and fails to disclose a piston means mounted to rotate relative to the hub, any rejection of claim 1, and the claims that depend therefore, is improper,

Claims 2-7, 13, 16, 19 & 26 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bopp. Applicant respectfully disagrees.

Regarding claims 2-7, 13, 16, 19 & 26, the Examiner failed to substantively address any of the claims. Rather the Examiner simply asserted in a sweeping statement "It would have been obvious to one of ordinary skill in the art at the time the invention was made to attach the friction means by any method as such is merely a design choice." Such baseless conclusions are an improper basis for a rejection. In order to even establish a prima facie case of obviousness, the Examiner must identify each limitation in the prior art and the associated motivation to support the resultant modification. MPEP 2143. The Examiner failed to establish a prima face case of obviousness. Applicant submits that the prior art fails to disclose the recited claimed limitations of claims 2-7, 13, 16, 19 & 26 and need not be elaborated. It is also significant to note that each of claims depend from claim 1 which defines the invention over the prior art.

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In re Arhab et al.

It is respectfully submitted that all claims define the invention over the prior art of record and are in condition for allowance, and notice to that effect is earnestly solicited. Should the Examiner believe further discussion regarding the above claim language would expedite prosecution they are invited to contact the undersigned at the number listed below.

Respectfully submitted:

By: 

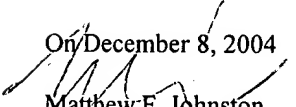
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I hereby certify that this correspondence is being deposited on December 8, 2004 with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to

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On December 8, 2004

  
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August 11, 2003